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[Document A.]

BY THE HOUSE OF DELEGATES,

February 17, 1858.

Read and ordered to be printed,

By order,

J. W. CLAYTON, *Chief Clerk.*

MESSAGE

OF THE

EXECUTIVE OF MARYLAND,

TO THE

GENERAL ASSEMBLY OF MARYLAND.

MESSAGE.

Gentlemen of the Senate
and House of Delegates:

It has again become my duty to address the representatives of the people, and in obedience to the requirements of the Constitution "to inform the Legislature of the condition of the State, and recommend to its consideration such measures as may be deemed necessary and expedient" The very short time allowed for the discharge of your legislative duties imposes upon you, the necessity of great economy in the employment of your time, and makes it indispensable for the proper transaction of the public business, that the leading and important measures of the session shall be prepared and matured at as early a period as practicable, to the exclusion, if necessary, of all business of a mere local, private or sectional character.

The people of Maryland, in times past, have had much reason to complain that important Bills of a public and general character, have been so frequently postponed to the closing hours of the session, when if acted upon at all, they were characterized by the errors, omissions, and defects incident to hasty and inconsiderate legislation.

It is earnestly to be hoped, that a mere allusion to this custom, will in some measure at least, remedy the evil which has become a matter of such general popular complaint.

STATE FINANCES.

The Reports of the Comptroller of the Treasury, exhibit the operations of the Treasury Department for the fiscal years ending September 30th, 1856, and September 30th, 1857. The financial condition of the State continues to improve, and a review of its operations presents very gratifying results for the consideration of the citizens of Maryland, notwithstanding the repeal of the Stamp Tax, at the last session of the Legislature, and also the reduction of the Direct Tax to one-half the amount previously imposed. The condition and operations of the Treasury for the last two fiscal years, under the amended tax laws of 1856, may be more clearly exhibited by a connection and comparison with the statement of the preceding year.

The amount of revenue which accrued under existing laws in the fiscal year 1855, was - - - - $1,618,171 79
" 1856, - - - - 1,609,323 74
" 1857, - - - - 1,610,524 96

The receipts into the Treasury from the revenue accrued in the fiscal year 1855, were - - - - - - $948,617 92
" 1856, - - - - - 1,003,160 00
" 1857, - - - - - 958,746 44

The total receipts into the Treasury in the fiscal year 1855, were - - - - - - - $1,200,762 58
In the fiscal year 1856, - - - - - 1,230,522 34
" 1857, - - - - - 1,384,705 40

Which last amount includes the $275,770.23 received last year from the United States Government on account of arrears of interest due the State for moneys advanced in the War of 1812.

The disbursements from the State Treasury
In the fiscal year 1855, were - - - $985,964 53
" 1856, - - - 1,230,508 05
" 1857, - - - 1,259,164 40

From which amounts there were paid towards the extinguishment of the public debt by the redemption and cancellation of matured State bonds in the fiscal year 1855, - - $374 45
" " 1856, - 185,433 31
" " 1857, - 236,855 35

And by the transfer of surplus revenues to the sinking fund.
In 1855, - - - - - - - - $98,617 80
" 1856, - - - - - - - - 56,875 02
" 1857, - - - - - - - - 126,224 78

The total sums applied each year to the extinguishment of the public debt, were in 1855, - - - - - $98,992 25
1856, - - - - - 242,008 33
1857, - - - - - 363,080 13

The surplus revenue existing in the Treasury was
In 1855, - - - - - - - - $313,744 01
1856, - - - - - - - - 310,410 78
1857, - - - - - - - 403,019 84

And the arrears of revenue in the hands of collecting officers due from Sheriffs, Collectors, &c., reported each year by the Comptroller as a part of the State's capital and credits were
In 1855, - - - - - - - - $672,143 42
" 1856, - - - - - - - - 535,193 97
" 1857, - - - - - - - - 545,588 28

The Funded Debt.—The nominal public debt of the State at the close of the last fiscal year is reported at $14,919,967.39. In 1856 the debt was $15,159,692.82—in 1855 it was $15,132,-909.00. The amount of State Bonds redeemed and cancelled, as previously stated, in 1856 was $185,433.31—in 1857 $236,-855.35, and in both years $422,288.66. The figures of the

public debt as reported by the Comptroller, do not exhibit a corresponding reduction. The sterling debt having been calculated at $4.44⅘ to the pound its value in London, and not at $4 84 its legal value in the United States; a difference of $788,292.78 upon £1,992,875, the amount of the original sterling debt.

The amount of 5 per cent sterling bonds converted into currency during the past year was £50,625, and the whole amount of sterling debt now converted is equal in currency bonds to $1,924,-021. This conversion of sterling bonds, the interest upon which is payable in London, into currency bonds, with interest payable at the Treasury, which under the law of 1847, is done by the Treasurer, at the option of the holder of said bonds, will proportionately increase the figures of the debt from year to year, without increasing the State's actual liabilities By the operation of this law, the expenses, equivalent to the cost of the exchange and commission for remitting the interest to London is saved to the State; and also the same charges upon the ultimate payment of the principal of the sterling bonds The proportion of the sterling debt upon which interest is paid by the State, was on the 1st of January, 1857, £983,850, or $4,372,666,66, and semi-annual interest on that amount was $121,450.82, and on the 1st July, 1857, £980,850, or $4,359,333.33, and semi-annual interest $121,000, the cost of sending which interest to London was about 10 per cent of said interest. Of the amount of the public debt, to wit: $14,919,967.39, the interest upon $3,200,000 is paid in London directly by the Baltimore and Ohio Rail Road Company, the State bonds to that amount having been issued for the use of said company. The interest upon the remainder of the public debt, as paid by the Treasurer, amounted the past year to $670,282.70 This interest was provided for as follows:

From the Baltimore and Ohio Rail Road Company for dividonds upon stocks held by the State $90,636; from the Washington Branch Road, for one-fifth of the passenger receipts $76,038; from the Northern Central Railway Company $90,000; from Susquehanna and Tide-water Canal Company $40,559; from other stocks $40,415.36.

The total interest provided by the Internal Improvement companies, which under the Constitution must be applied to the payment of the public debt was $297,233. The amount of interest which remained to be provided for by the State from other sources was $373,049.70. The amount of revenue received from direct taxation was $233,303.02; from licenses $252,273.31; from special taxes $120,553.53; from other sources $352,616.58.

The Tide-water Canal Company failed to meet its full obligations to the State; the amount paid into the Treasury by that company, being $40,559, instead of $67,487.50, leaving a deficiency of $26,928.50, which has not yet been accounted for

The Sinking Fund.—This fund by its own accretion and by the addition of surplus revenues of the State, has increased from $3,426,749.55, its amount, at the date of my last message in 1855, to $3,997,276.44. The amount of surplus revenue transferred to the Sinking Fund, which is done by the Treasurer at his discretion, under the Law of 1854, was in 1856, $56,875.02, and in 1857, $126,224.78. The interest of the State bonds constituting said fund has been regularly and judiciously re-invested in State bonds by the Treasurer, who has sole charge of this fund under the laws. The interest of the Sinking Fund, thus re-invested was in 1856, $176,640 66, and in 1857 it was $195,111.47. Thus it is a gratifying circumstance that this fund, which, at the commencement of my administration in 1854, was but $2,870,704.71, now amounts to nearly *four million of dollars*, and its future increase will be in a greater ratio from year to year.

PUBLIC WORKS.

The large pecuniary interest and liability of Maryland in the four great public improvements of the State, render their successful operation of great importance to every tax payer and citizen. And the advantages to be derived from their active and profitable management is no less important to the agricultural and mineral development of the State, and the promotion of the trade, commerce, progress and prosperity of the city of Baltimore and the State at large.

Baltimore and Ohio Rail Road Company.—The interest and liabilities of the State in and on behalf of the Baltimore and Ohio Rail Road Company amount to stocks in the main stem $685,600; in the Washington Branch $550,000; Company's bond $10,000; 5 per cent sterling bonds issued for the Company, $3,200,000—total interest and liabilities of the State in said company, $4,445,600, upon which the State received the past year, 6 per cent on the stocks of the Main Stem, and the bond, 9 per cent on the stocks of the Washington Branch, and the interest upon the sterling debt was fully paid by the company in London. The State also received an additional sum of $76,038 for one-fifth of the passenger receipts on the Washington Branch Rail Road. The pecuniary aid rendered by the State to this great work, has not only assisted materially, in its construction, but the road has proved from its commencement, including the passenger tax of one-fifth, on the Washington Branch, a profitable investment.

The annual report of the President and Directors of the Company for the year ending October 1st, 1857, exhibits a continued increase of prosperity. The gross earnings of the Main Stem of the road for the last fiscal year were $4,616,998.95, being an increase of $231,047.48 over the preceding year, and of $905,545.10 over the fiscal year 1855. The working expenses and repairs of the road for the past year were $2,760,785.14, being about 60

per cent,and making the nett revenue $1,856,213.81, from which the company declared a dividend of 6 per cent on the capital stock amounting to $606,579, after paying interest upon its bonds and other charges. The company has invested the past year in perfecting and increasing the capacity of the road $1,275,144.38.

The revenues from the Washington Branch Road, the past fiscal year were $454,459.84 ; its expenses were $196,080.25, and its nett revenues were $258,379.19.

The revenue from the North Western Virginia Rail Road, constituting its Parkersburg Branch, for the three months ending the fiscal year were $74,223.37 ; its expenses were $48,072.60, and its nett revenue was $26,150.97. The aggregate revenue of the Main Stem and Branches for the time above mentioned, was $5,-145,682.36.

It appears that the "through" and "local" freights of the road, transported westwardly from Baltimore for the past year, amounted to 133,210 tons. The amount of "way" and "through" freight received at Baltimore the past year, amounted to 646,875 tons, of which 490,000 tons were coal, and 58,431 tons were from points beyond Wheeling. The amount of local and through travel on the Main Stem the past year, was equivalent to carrying 36,286,-823 passengers one mile, and 1,114,820 on the Washington Branch, and 878,240 on the Parkersburg Branch. The company last December declared an extra dividend of 30 per cent in scrip bearing six per cent interest, to be converted into stock. This dividend did not meet the approval of a majority of the Directors on the part of the State, and the payment of this interest was restrained by legal process, and its legality is now awaiting the decision of the courts.

The company has failed to declare a dividend for the six months ending 1st October, 1857. This it is said was occasioned by no falling off in the receipts of the road, but adopted as a precautionary measure in consequence of the pecuniary difficulties of the times. Notwithstanding which, the future prospects of the road, are announced to be of the most promising character, its southern locality and connections, and the cheapness of fuel, giving it great advantages over its more northern competitors.

The Northern Central Rail Road Company.—This company has paid with punctuality its annuity of $90,000, representing the State's interest of $1,500,000 in this work, and no doubt exists of its ability to continue its prompt payments in future. The completion of the road to Sunbury, and its connection with Tide-water at Canton, have been pushed forward with an energy and ability, proportioned to the resources of the company. From the last annual report of the President, and from information subsequently obtained from him, it appears that of the sixty miles reported to be under construction in 1856, twenty-eight miles were opened for transportation in December of that year, and an additional fifteen

miles were put in operation as far as Treverton in July last. The remaining portion of the Rail-way extending from Treverton to Sunbury, (a distance of eleven miles) the northern terminus, and at which point the Sunbury and Erie Rail Road commences and is now operated as far as Williamsport, is now under contract, and will, it is believed, be finished by June next.

A Bridge now under construction, crossing the Susquehanna River 3900 feet in length, will, it is expected, be completed in February next, when a continuous Rail-way from Baltimore to Treverton, will be fully opened, and by the first of June, will be extended to the terminus of the Rail-way at Sunbury. The President of the company in his communication to this Department, says: "Although the Rail-way has been extended during the past year fifteen miles in length, still the nett revenues have not been increased in an equal ratio; amongst the causes to be assigned is the difficulty of drawing business from old to new routes, but principally from the break in the road, having to use other roads between Harrisburg and Dauphin, because of the unfinished bridge referred to above, and on which full local charges are made by the respective companies."

Chesapeake and Ohio Canal Company.—The history of the Chesapeake and Ohio Canal Company continues to be marked with successive disasters and misfortunes. The interest and liability of the State in this work amounts to, for bonds loaned, $2,000,000; stock subscribed, $5,163,724; being over $7,000.000. The canal company is also indebted to the State for arrears of interest about $7,000,000. The State's interest is subject to $1,700,000 of preferred bonds, and the arrears of interest thereon $550,000, being about $2,250,000; other prior claims exist amounting to about $500,000, and the company has also a large floating debt amounting to nearly if not quite $1,250,000.

From this statement it must be obvious that the prospects of any revenue to the State from this company is very distant, if not altogether hopeless. From the last annual report of the President of the Company, and from information subsequently received, it appears that the canal has been inoperative for a considerable portion of the past two years. The severity of the winter, and the drought of the summer of 1855, closed it for a great part of that year, and other causes contributed to diminish its operations. In February last an ice freshet carried away a great part of Dams Nos. 4 and 5, which after being temporarily repaired, were again destroyed by the occurrence of freshets. The President of the Company animated by the hopeful spirit which characterized his report, succeeded by the most energetic and praiseworthy efforts, in procuring from the friends of the work, a loan of funds sufficient to renew the repairs, when other disasters occurred, which again closed the canal; and lately two heavy land slides, requir-

ing much time and expense to remove, have occurred, effectually suspending for the present, all navigation.

The company now heavily encumbered with debt, appears to be without sufficient means, or credit, properly to prosecute the work, and its heavy losses and repeated disasters seem to have dampened the ardor and destroyed the hopes of the warmest friends of this great but most unfortunate enterprise.

Several propositions were made to the Legislature at its last session, for the disposal of the entire State's interest in this work. One was, for its transfer to the preferred stockholders, or companies representing them, on certain conditions. Another, for its sale to a Northern company, who proposed (of course) to assume all liability to the preferred stockholders, and to give the State in addition $1,000,000 for its interest in the work. These and other propositions failed of acceptance, either because the sum named did not meet the views of a majority of that body, or because the proposals were presented too late in the session to give proper time for the consideration that its importance demanded.

In view of the present condition and prospects of this company, and of the series of disasters which has marked its career for so many years, should the offer to purchase the State's interest be renewed, and no constitutional objections to the measure be found to exist, after the precedent established in 1853, by the sale of the State's interest in the Susquehanna Rail Road Company, I do not hesitate to say that in my judgment the State would be greatly benefitted by the sale of this work at an equitable valuation.

This great work has been completed mainly by the resources of the State, and the State is really more interested in the steady and uninterrupted operation of the canal, than in any revenues she may in future receive. The probability of the more efficient and successful prosecution of the work in private hands, possessing the requisite means to carry forward the enterprise, and governed by a permanent policy in relation to it, and thereby promoting the trade and business interests of an important portion of the State, are considerations to be viewed in close connection with the measure, and decided as your judgments may dictate.

THE FINANCIAL CRISIS.

The universal prevalence of a most serious monetary revulsion, which has involved chartered institutions of our own State, in a direct breach of faith towards the people invites remark from me, and challenges decisive action on your part. I do not feel at liberty, to occupy your time and attention with an extended review of the causes which have led to such sudden and wide spread disaster as we have recently witnessed. They are, however, distinctly to be seen, and comprehended by intelligent men. A condition of life, vitiated by the utmost extravagance, has been

apparent in almost every class of society; and this has been indulged under the fatal mistake, that the means and resources thus squandered, and taxed, were as substantial, as they seemed to be inexhaustible. The same mistake has fostered a spirit of the most reckless speculation on the part of individuals and corporations; speculation which has included almost every variety of property; created unreal values of stock; and in its reckless experiments, frequently seized upon the necessaries of life. Auxiliary to all this, there cannot be a doubt, that our banking systems, have proved ready and facile instrumentalities. To what extent the abuse of these institutions contributed to the universal inflation, and the general artificial condition of all monetary affairs, I am unprepared to say. It is morally certain, however, that an evil of this character, could not have acquired such gigantic proportions, nor have entailed such terrible disaster, but through the agency of institutions, which have exceeded the bounds of propriety, in the creation of a fictitious and unsound circulating medium.

I am not disposed to affect a crusade against banking institutions; yet I can but feel impatient of the wrongs they have inflicted upon society, and with so much cool indifference to the rights of the people.

Created by public favor, and nominally accountable to strict legislation, it is apparent that they pursue a policy, dictated in many instances by so much selfishness, as to betray a serious disregard of the true welfare of the community. The restrictions under which they are supposed to conduct their business, are easily and readily evaded; and the public are at no time secure, against the consequences of an abuse of power, which can never be exerted, but to the detriment of the common welfare. We have a humiliating illustration of this fact in the current state of the monetary institutions, generally, of our country, and, from which, those of our own State claim no exemption.

The Banks of Maryland, are now in a state of "suspension." In other words, they are unable to meet their obligations, and every note-holder has the evidence of this fact, in his own hands, when he presents it at the counter of the Bank for redemption. This is virtually a condition of bankruptcy; and we know very well, that no merchant can continue his business in like circumstances, whatever may be the nominal value of his assets.

Thus we have apparent, an assumption of privilege by an institution, in which a whole community may be interested, which is entirely denied to an individual or firm, though but a few may be affected by the "suspension" of the latter. In all this it appears that there is with the people, a disposition to tolerate to almost any extent, the errors and caprices of banking institutions; a disposition, I do not hesitate to say, which could not obtain with

a free and self-reliant people, and must therefore be ascribed to a monetary condition, in almost servile dependence upon them.

All this has been strikingly exemplified in the entire acquiescence with which the suspension of the banks in September last was received by the people. For my own part, I have been unable to satisfy my mind, that this act of suspension was not needless, as it was arbitrary and unjust.

I am aware that the reason assigned—rather as an excuse than a justification—was the fear that the vaults of our banks would be drained of their specie by New York. I cannot in this plea recognize any special virtue. The specie, however small in amount, thus locked up, against the demands of New York creditors, was at the same time, has been, and is to this day, locked up with equal stringency, against the citizens of Maryland. And if they require any unusual amount, they are compelled to purchase it at a premium. I do not understand, that in a state of suspension the banks are any stronger with specie as a form of assets in their vaults, than they would be, with the specie all paid out, for the redemption of so much paper, and their remaining assets in another form. While I can readily conceive that in the latter case, they would have acquitted themselves honorably of their obligations, to the extent of their ability, and so have acquired a better title to public confidence in the future

I am induced upon a review of the conduct and condition of the banking institutions of the State, exhibited in reference to the monetary exigency of the times, to commend to your consideration the duty of further legislation for the protection of the public interests and the promotion of the common welfare.

It is absolutely indispensable to a healthy financial condition, that the specie basis of all banks of issue, within the State should be greatly enlarged. And in accepting this as a first proposition, towards a radical reform, it will suggest the propriety of revision and reconstruction of our banking system. I think it will be found entirely consistent with the necessities of the times, and the experience of the people, that banks of issue should have an independent existence, under the most rigid legislation, and the constant scrutiny of official authority. And that other departments of the business of banking should be conducted under general laws, conferring no privilege of issue. I merely make the suggestion ; the subject is one, which demands patient and intelligent consideration, and addresses itself to the stern patriotism of the representatives of the people.

In appropriate connection with this subject, I beg leave to express my cordial approval of the suggestion contained in the recent report of the present Secretary of the Treasury of the United States, that each of the States inaugurate a policy in conformity with that of the United States, for the collection of its entire revenue in coin. The advantages which would certainly flow from such a practice,

would be equally enjoyed by the Government and the people. It would tend to keep the specie in the country, in circulation, and out of the iron custody of the banks. It would exert a most salutary influence over those institutions, and prepare the way for the gradual and early exclusion of bank paper of the minor denominations from circulation. In short, it would rapidly establish a specie currency, and diffuse in all the avenues of trade and commerce, a most healthy and invigorating influence.

Deeply impressed with the value and importance of this advice, I cherish the hope that you will appreciate the honor of placing Maryland at as early a day as practicable, in the condition it proposes.

EDUCATION—COMMON SCHOOLS.

Whatever progress has been hitherto made in our own or sister States, and how much soever we may felicitate ourselves upon our educational policy still greater attainments are within our reach, and we shall be recreant to our first and highest obligations to the future, if we fail to employ the best means that our judgment and experience suggest for the promotion of public education. I think you will concur with me in the opinion, that whatever may have been the social necessity in relation to this subject, at any time heretofore, it cannot be less now, when the signs of the times are so fearfully significant of the utter destitution of the mental and moral training which characterize so large a portion of our youth at the present day.

It is with confidence therefore, that I invite your earnest consideration of a topic of the most vital consequence to our present and future well being as a State and people.

In my last message, I employed the opportunity to review at some length the inefficiency of our present Legislation on the subject of Common School Education in Maryland, outside of the city of Baltimore. And in making this exception, I refer with pride to the energy, perseverance and enlightened public spirit, which has characterized the friends of popular education in that city, by which its common schools have been advanced to a high state of excellence and usefulness. The State at large, however, with the exception of a few localities is hopelessly deficient of results which promise any permanent benefit.

In response to my recommendation on this subject, a Bill for the establishment "of a uniform system of public schools," was passed by one branch of the Legislature, and failed by a few votes to receive the sanction of the other. Of the details of that bill, or of its sufficiency to accomplish the end proposed, I am not prepared to express an opinion, but I trust the effort to establish some State system will be renewed at the present session, and with better success.

The total insufficiency of our public school system, is painfully

apparent to all who realize the importance of general education as the great auxiliary of progress. Schools located and established have only a temporary existence, and effect the most unsatisfactory results, because of the uncertainty of their continuance. Confidence is wanting on the part of the people, and not only does systematic public education become a questionable policy, but education itself, as a positive good, falls in popular disesteem. We need therefore an energetic aud radical effort, which shall establish a more substantial basis for a State system of public schools, and at the same time inaugurate a process of supervision and culture, under which thorough efficiency shall be ultimately developed.

In the first place therefore, I suggest as indispensable to the end proposed, provision for the appointment of a Superintendant of public schools, whose duty has been prescribed by the act of 1825. To secure the services of a competent person, and his unremitted attention to the duties of his office, it will be necessary to give him a liberal salary, and to allow an adequate sum for the expenses incident to constant supervision. Upon this officer should devolve all the responsibility, for the effective and uniform operation of an improved system, for the introduction of such amendments and ameliorations as experience may suggest from time to time; and for such obvious services as properly pertain to his office. It will of course be indispensable to a successful prosecution of this work, that the prevailing legislation upon the subject, should be entirely reconsidered and reformed. The privilge now given to each county to accept or refuse the system, and which thus subject the education of its children to the caprice of tax payers, should be abolished, and the uniformity of the system be ensured by a common responsibility to the government, encouraged by the manifest benefits that should flow from it. A radical defect in our present system is to be found in absence of suitable provision for securing the services of competent teachers. This is a subject of paramount importance; and laying at the threshold of reform, and extending its influence ceaselessly into the future. It is expedient therefore, that such measures be adopted, as will commence and perpetuate a source of supply, from which the whole State may look for really useful, competent and professional teachers, reared and educated under the auspices of our own institutions, and identified in every respect with the common welfare. I therefore, propose the establishment of a *Normal School.*

Assuming that the gravest necessity for the organization of a training school exists, I will develop in outline the plan of such an Institution as strikes me to be feasible and suitable to the design. The place for, and the character of the school, are the chief points to be regarded.

It will be readily appreciated by you, that such an establishment must be in connexion with some literary institution of standard character. To erect buildings, to obtain the services of a compe-

tent corps of professors, to purchase a library, chemical and philosophical apparatus, and a cabinet of geological and minerological specimens, would subject the State to such an outlay of money, as would not for a moment be contemplated, in the present condition of our finances, or within the current estimate of the results to be accomplished.

With my knowledge of the high character and resources of St John's college, Annapolis, since its late reorganization, I do not hesitate to express the opinion that this institution will soon rank with the first colleges of our country, and is better adapted to the purpose than any other within the State. Its locality in a healthy position, and at the seat of government, indicates its direct advantages; while the large and commodious buildings and grounds, the accomplished corps of professors, its extensive campus, its library, cabinet, and scientific apparatus are sufficient to assure you of the highest eligibility.

On the necessity and propriety of the institution proposed, I need hardly enlarge. Your experience and intelligence will anticipate argument or suggestion. It has its analogy in almost every calling. Professional men do not emerge at once from academic halls. Before they can exercise their profession with a conscientious regard for the interests confided to them, they must have devoted years to the study of the great principles which belong especially to their profession. At this day, a man is not deemed fully competent (without long practical experience,) to till the earth, until he has acquired some knowledge of the nature of soils, the best means for their improvement, and a general acquaintance with the philosophy of agriculture. Beyond question then, the man to whom the culture of the human intellect is submitted, should be prepared by a special course of training for his work.

In a Normal School, provided as I have intimated it would be, at St. John's College, the purpose defined by the term would be effectually matured. There the student would learn to teach according to rule, and ultimately that rule would become uniform, throughout the State, from rudimemtal to the most elaborate tuition. The material to be furnished for normal school institution should consist of a selection of the best and most promising boys in the primary schools, not otherwise determined in their future prospects. The choice might be left to the Orphans Court for the respective counties, or some competent board of Examination; one youth being selected by each county and one or more from Baltimore city; these youths to be sent to College where they may be trained for a term of years, carefully and diligently at the expense of the State, and with especial reference to the purposes of tuition in the common schools. It is well understood, that the State could exercise no obligatory control over youths thus educated; but the opportunity to secure their services at a remunerative salary, and the

preference they would have to others, would constitute a natural relation at once equitable, interesting and respectful. The recovery by the State, of a large amount of money from the Federal Government, which by the action of a former Legislature, has been already dedicated to the support of primary schools, makes this an auspicious time to initiate the movement which I have thus imperfectly presented, and most cordially commend to your favorable regard.

MARYLAND PENITENTIARY.

Herewith I enclose reports made to me by the Directors of the Maryland Penitentiary, for the years 1856 and 1857. This period has been one of great financial embarrassment to the institution, owing to causes which are fully stated in their reports. The entire destruction by fire of the north wing of the prison, thereby causing the loss of the labor of more than 200 of the most profitable hands, for upwards of three months, the cost of reconstructing said building with iron roof, and improved means for manufacturing, amounting to near eight thousand dollars, the high price of provisions, and all raw material, such as cotton, yarns, wool, &c., without any corresponding increase in the price of manufactured goods, together with the financial troubles that have affected the whole country, making the sales of goods manufactured in the prison less than the usual average, have caused the expenses of the institution for the two last years to be far greater than its earnings.

The actual difference between the earnings, and the expenditures for the year 1856 is stated to be $13,318 30, eight thousand of which has been met by the annual appropriation of the State, leaving an actual deficit of $5,318.30. The amount of manufactured goods and materials on hand at the date of the report for 1856 is stated to be $24,172.41. For 1857, the deficit is stated to be $26,189.92, independent of the annual appropriation of $8,000 by the State; and the amount of dry goods and materials on hand, on the 30th of November last, amounting to $20,473.08.

To relieve the institution from present and future embarrassment, the Board of Directors are of opinion that an appropriation of $50,000, will be required from the present Legislature.

Nothwithstanding the necessity of this large appropriation for the causes assigned above, I feel it my imperative duty to renew the recommendation made in my last message, for the enlargement of the prison buildings. The necessity for additional room increases yearly, and the maintainance of the proper prison discipline will soon become a matter of utter impossibility, with the present imperfect and insufficient accommodations.

The number of convicts in the prison on the 30th November last was 415, of which number more than one-third, nearly one-half are negroes. In connection with this fact, I beg leave respect-

fully to suggest, to the Legislature, the propriety of repealing or modifying the law of 1845, chap. 340, respecting the punishment of slaves and their confinement in the Penitentiary of the State. I am fully convinced, that the discretion which was vested in the courts of law, before the passage of that act, touching the sale and transportation beyond the limits of the State of slaves convicted of the lower grades of felonies, was well bestowed, and that a similar discretion vested in the circuit courts now, would be exercised with benefit to the State, and would relieve the Penitentiary of a large class of convicts not reformably by our prison discipline, and whose confinement in the prison in such numbers, seems to be attended with such unprofitable results.

CHARITABLE INSTITUTIONS.

House of Refuge.—Among the public institutions worthy of the especial notice of the Legislature, "the House of Refuge for Juvenile Delinquents" holds a prominent place. Although its original charter dates back as far as 1831, it was only in December, 1855, that this true Reform School was fully inaugurated in Maryland.

It is mainly due to the liberal contributions of private citizens of Baltimore, with the generous aid of the municipal government of that city, that the great work which now reflects so much credit upon our State, was accomplished. Having visited the institution, I can speak from personal observation, and cannot refrain from expressing my astonishment at the magnitude, and substantial character of the building, as well as the moral courage which emboldened the Board of Managers, to engage in the erection of so noble a structure; and the perseverance, which, through many obstacles, enabled them to complete and put it into successful operation, and all this at a cost, which evidences a most economical financial management. At its last session the Legislature made an appropriation for the *support* of this institution, to be paid in five yearly instalments. The amount thus wisely given for this beneficent purpose was less indeed than was asked for, but was gratefully accepted, as initiatory, it was hoped, to a larger acknowledgment of the deserved claims of the institution.

At that time, which was only a few months after its opening, there were about thirty inmates. There are now as reported to me on the first of November, 199 inmates; 175 boys and 24 girls, and besides this number under actual care there have been apprenticed to worthy citizens in this and other States, 36 boys and 11 girls, and discharged to the care of parents and friends, 37 boys and 20 girls, making a total of inmates since the institution commenced operation, (now little less than two years) of three hundred and four.

The annual report of the Managers for 1856 was duly made

to the Executive, during the recess of the Legislature, and this together with that for the current year in due time will be laid before you. To these documents I would respectfully ask your attention, as the best exposition of the object, the practical working, and the beneficial results of this wise enterprise of philanthropy. It affords me pleasure to commend the "House of Refuge" to the fostering care of the State, especially, as by your appropriation for its support, and the representation of the State in its Board of Managers, it has been recognized as a State institution, with the right of each of the counties to participate in its benefits. Of no public institution within her borders may Maryland be more justly proud, and I gladly embrace this opportunity to leave on record my earnest commendations in its behalf, and to identify myself among its warmest friends, and thus officially to express my entire approbation of its aims, and best wishes for its success.

I do this the more unqualifiedly from having thoroughly witnessed its operations, in its schools, its workshops, its discipline, its conveniences and comforts, all controlled by the law of kindness and religious education. These things as thus seen leave in my mind no room for doubt. The "Refuge as a Reform School" I consider, no longer, an experiment; it is an established fact, and one in whose accomplishment all good men must rejoice.

As to the reformatory results of such institutions in the United States, I have been provided with information from authentic sources, that the whole number of inmates under the care of seventeen institutions, organized at various periods from 1825 to 1856, was 20,658; of whom 16,847 were boys, and 3,811 girls; of this number the average of reform has been about *seventy five per cent.* Now, when the character of these delinquents is considered in connection with the pernicious influences upon society of such a number left and uncared for to grow up year by year in idleness and vice, and when we look at the statistics of our jails and State prisons, and estimate their cost to the public treasury, it needs no intricate calculations to sum up the beneficial results of such institutions.

To say nothing of the young delinquent himself, what argument can be urged with greater impressiveness upon the legislator as a question of mere political economy? Regarded simply in this light, the "House of Refuge" wisely administered is in truth a most profitable institution for the State. To the enlightened and christian philanthropist in all its bearings upon society it presents a higher object of interest, pre-eminent in its claims, and demanding the profoundest consideration.

Deaf and Dumb and Blind.—For the fiscal year 1856, there was expended for the tuition of the Indigent Deaf and Dumb at the Pennsylvania Institution the sum of $2,608.72, and for the year 1857 $2,152.14.

For the Indigent Blind at the Pennsylvania Institution for the year 1856, there were expended $950; and for the year 1857, $500.

For the Indigent Blind at the Maryland Institution for the year 1856, there were expended $1,737.08; and for the year 1857, $4,016.60.

But six warrants have been issued to beneficiaries to the Deaf and Dumb Institute since my last message, two of whom have not been reported as admitted. There were at last report fifteen pupils in the Institution enjoying the beneficence of the State.

In the Pennsylvania Institution for the instruction of the Blind there are but two beneficiaries of this State whom it is deemed advisable to permit to remain and complete their education.

In the Maryland Institution for the instruction of the Blind, there are eighteen pupils. These together with the two now in the Pennsylvania Institution make up the number of twenty, for whose education and support the State provides. The report received from the Superintendent represents that the moral, social and intellectual advancement of the pupils has been all that could have been reasonably desired. The Institution can no longer be regarded as an experiment. All it needs is the means to carry on and enlarge the plan now successfully initiated to elevate an afflicted but most interesting portion of the human family. The departments, with the exception of subsistence and raiment, are scantily supplied, and the deficiencies in the apparatus of the school, the furniture of the house, &c., subject the officers to considerable inconvenience.

In addition to private subscriptions, the President and Directors have contributed at least $10,000, and there is still a debt of $6,000 upon the property, the interest of which has to be supplied from the annual income.

There is abundance of ground, but no means to enlarge the building so as to make it suitable for the purposes required, or to build the work-shops necessary for the development of the pupils so as to render them more independent and their labors more valuable. By providing for the education of thirty instead of twenty indigent blind pupils, and appropriating $15,000 for 1858, and a similar amount for 1859, it is thought that the Institution will receive an impetus which will place it upon a permanent basis approximating to that of similar Institutions in other States. With a view to this I earnestly recommend it to your favorable consideration. It is a noble charity and its continuance and prosperity will reflect undying credit upon its friends.

Maryland Hospital.—I have received from the President and Visitors of the Maryland Hospital for the Insane, a communication calling my attention to the financial condition of that Institution,

from which it appears that the income derived from the several counties and the city of Baltimore amounts annually to about $6,000, and the income from individual sources to about $15,000, making a total of $21,000. Previous to the last three or four years the Institution has been able to sustain itself, but since that time the increase in the price of provisions, the rise of wages of attendants and servants, have made it impossible for the corporation to meet its liabilities and have entailed upon it a debt of nearly $8,000. Hitherto the State has contributed no means for the care of the Insane, except for buildings. All the current expenditures, improvements, repairs, &c., have been wholly dependent upon the resources above alluded to. The annual cost to the Hospital for supporting the insane poor is much greater than the amount now paid for them. The Chief Executive officer as also the Board of Visitors, estimate that the charge of $150 per annum is requisite to supply to each lunatic pauper food, clothing and other necessaries essential to their health and comfort, instead of the amount now provided for under Resolution No. 65 of December session, 1838.

To liquidate the debt above mentioned and to make the improvements necessary to render the Hospital worthy to rank with similar institutions of other States, the aid and generosity of the Legislature is invoked, with the earnest hope that the suggestions made for this unfortunate class of our citizens may meet with a cordial and ready response.

I have also received a communication from the chairman of the Board of Commissioners to superintend the building of the Hospital for insane persons near Catonsville, stating that no less than $50,000 would be required for it the coming year. They urge its completion as soon as possible. If the work be suspended, much damage will doubtless accrue to the walls, &c., by reason of their unprotected condition. The commissioners were at one time in hopes that the State would be spared the necessity of building this Institution at its own expense on account of the liberal bequest made for the Sheppard Insane Hospital, but it appears that the Trustees of this fund do not feel themselves authorized under the terms of the bequest, to make this Institution a public one, in the full sense of the word, but only to permit such patients to remain in the asylum as may be pronounced by the medical superintendent as curable. It is for the Legislature to decide whether this work at Catonsville is to progress, and if so, to make such appropriations as will enable the commissioners continuously to prosecute it, until completion.

EARLY HISTORICAL PAPERS.

At the request of several gentlemen who have been much engaged in historical researches, and upon their authority I beg leave to call the attention of the Legislature to the fact, that there are now in existence in the Colonial Office in London, and in

Zion College Library, many valuable papers which relate to the ante-revolutionary history of Maryland, without which the history of that period cannot be complete, nor fully or correctly written. And also, that there are still documents and papers, amongst the archives in the Propaganda at Rome, of much historical interest, and illustrative of the early provincial history of Maryland, copies of which could probably be procured at a trifling cost.

Mr. J. H. Alexander, a citizen of this State, and well known for his literary and scientific attainments is now in Europe, and I am informed cheerfully consents to procure for the State, if so desired, such transcripts or copies, if said papers are in existence, and of real value.

I therefore respectfully recommend that authority be given to Mr. Alexander or some other competent person, to procure for the use of the State Library, copies of such original papers if they can be obtained on reasonable terms.

LAWLESSNESS IN BALTIMORE—ELECTIVE FRANCHISE.

In the last communication which I had the honor to address to the General Assembly, I took occasion to advert in very decided terms to a new element, which at that time had recently been developed in political controversy, under the fosterage of secret societies. I can claim no peculiar sagacity, upon a review of the language, in which I then deprecated the evils inseparable from policy, in direct antagonism to the letter and spirit of our institutions. Events which have transpired within our own borders since that period, have abundantly verified my anticipations, and justified the earnestness with which I invoked the most "rigorous exercise of public virtue that the tide of evil flowing in upon us might be restrained." But the sincerity with which I presented the subject to the consideration of my fellow-citizens proved of no avail. The evils have since fallen upon us full blown and most pernicious; and we have learned in the severe school of experience, the perilous extremity, I trust, to which outrage, fraud and violence may be carried, by the proscriptive frenzy of lawless and irresponsible men, banded together for the accomplishment of political ends.

A decent respect for the opinions of my fellow-citizens, a due concern for the dignity of the office I fill, and a proper regard for my personal honor, induce me to employ the present occasion for a dispassionate review of a series of events intimately connected with our domestic policy, and entitled, apart from any concern I may entertain with regard to myself, to your serious consideration.

At the outset, in view of the wanton perversion of truth, the unaccountable ignorance of the theory and practice of our system of Government, or the manifest self-stultification exhibited by many who affect to enlighten the public mind, I am almost at a loss to

speak. The absurdity of their animadversion is beneath criticism, and ludicrous in the extreme. Nevertheless, in pursuing my purpose, I shall quietly dispose of the several errors, which seem to have furnished the principal material, equally of the argument and the abuse, levelled most gratuitously at the service I deemed it proper to interpose for the maintainance of peace in the city of Baltimore, and the protection of her citizens in the exercise of their rights.

At the municipal election in Baltimore, held in October, 1856, an organized force was made apparent at the polls, which in its direct influence was immediately felt by naturalized citizens. This class of voters was to a considerable extent excluded from the exercise of suffrage; many of them beaten, and others overawed and deterred by violence from visiting the polls. Such were the representations made to me, asserted by a portion of the press of that city, and measurably conceded by all.

In the course of the day, bloody and destructive riots took place, and the subsequent record comprehended a list of killed and wounded truly appalling. The city was temporarily outlawed by its own fury, and it is beyond all question with me, that could the Executive authority have commanded military power at the moment of the emergency, it would have been my duty *then* to have interposed, and overwhelmed a lawless demonstration clearly defiant of the municipal police. As the time approached for the Presidential election in November, 1856, apprehension generally prevailed, that a recurrence of similar scenes was inevitable. Political sentiment and party animosity were alike demonstrative and violent, and peaceable and orderly citizens, and especially naturalized citizens were utterly hopeless of those decencies and proprieties essential to the freedom of suffrage. In short the large body of citizens composing the Democratic party within the city of Baltimore saw the day of election approach, under the assurance that they would not be suffered to record their votes, and on the other hand, would be exposed to the consequences of the most reckless frauds. I repeat these assertions as they were made to me; and in view of the returns of most of the wards of the city, I have no hesitation in thus officially laying them before you.

On the eve of the Presidential election I proceeded to Baltimore, and sought an interview with the Mayor of the city, in the vain hope of such a co-operation of influences, and moral and material power, as would ensure the peace of the city, prevent bloodshed, and secure to every citizen without respect to party, the exercise of his political rights. My overtures were repulsed with cold civility. I was thrown upon my personal and official responsibility, before an important and respectable community, for the initiative in a measure which the exigency of the time demanded, and the Executive of the city was indisposed to adopt. The day of election was then too near at hand, for me to mature under my official

authority and by my independent act, a force adequate to the probable necessity which menaced the occasion. I accordingly left the full measure of accountability with the Mayor and his subordinates. How fearful that accountability was, the sanguinary deeds of that election day have sufficiently proved. Again party animosity run riot throughout the city; the most desperate encounters took place, in which hundreds of infuriated partizans were engaged; arms of all kinds were employed; and bloodshed, wounds, and death, stained the record of the day, and added another page of dishonor to the annals of the distracted city. I retired from the scene, convinced that all this might have been prevented, and not without a painful sense of duty unfulfilled.

A year glided away, and with the fall of 1857 the political elements were again stirred for the election contests of the season. In the meantime the civil condition of the city, had become more sensibly demoralized. The press without distinction of party was teeming with every days report of wrong, outrage, violent encounters of partizans, desperate assaults and homicides. These things thus grouped, are but the catalogue of deeds transpiring in rapid succession, and culminating in frequency and ferocity, as the day of the municipal election drew near.

Since the elections of the preceding year, a new and enlarged organization of the city police had been made, and I was not without hope, that it would exert a conservative force, in some rational proportion to the emergency of the occasion; I was assured by numerous gentlemen of the city that they expected nothing of the sort, and they referred to the daily record of violence as abundant proof of its inefficiency to subdue even preliminary disorder. The day of election came and passed, and although the bloody scenes of the preceding year were not re-enacted, violence was every where in the ascendant; outrages were perpetrated with entire impunity, and many thousands of the citizens were, by causes beyond their individual control, deprived of the exercise of their suffrage. In a word the Democrats of the city, both native born and naturalized, were, to an extent that a few years since, would have been absolutely incredible, virtually disfranchised. Facts exist, and are available in abundance for the verification of what I thus assert, and publicity has been given to current outrages of the day in one ward, of the city, (and that ordinarily one of the most reputable,) attested by the vouchers of many highly respectable citizens.

The experience of that day was presented to me by several eminent citizens of Baltimore, as the sufficient proof, that the municipal authorities were wholly inadequate, from some cause, to cope with the fierce organization which held absolute control of the polls. I was assured and convinced the people of Baltimore were inextricably involved within the grip of a dilemma. On one side was a party disfranchised by lawless violence, with which it was

unable to cope, on the other, a party sustained by violence which even the most honest and upright of its members were unable to repress and restrain; while the city authorities themselves were either unable to grapple effectually with the diabolism broke loose in the community, or unwilling to provoke the retaliatory spirit of a desirable but furious ally. Such was the condition of affairs in Baltimore, when the most urgent appeals were made to me, to exert the authority vested in the Executive of the State for the protection of her citizens against intestine disorder, and to see that the laws were executed. I did not feel at liberty to hesitate longer in the performance of a duty evidently incumbent upon me. It was not for me to consider the contingencies of political antagonism, or a perverted public sentiment. My duty was plain, and I had no alternative but to perform it; and to leave the sequel to the people themselves. I realized no accountability in an utter failure to rally a single man to the service to which he might be called. It was my duty to present such a statement of facts as had been laid before me, to exhibit the remedy, and to use the proper means for the application of it. To this end, responding to the entreaties of gentlemen earnest in their avowals of co-operation to any necessary extremity, and in full compliance with my own sense of duty, I visited Baltimore. Immediately upon my arrival, I addressed the Mayor of the city, and invited his counsel and co-operation, in devising and putting into practical effect, means adequate to the impending emergency. Again was my overture repulsed, and this time the Executive authority of the State coolly and gratuitously disputed. The object which I had in view, requiring in my judgment the most prompt and rigorous measures, would not admit of the delay incident to an empty controversy about well established constitutional authority. Accordingly in the execution of my purpose, I at once initiated preliminary measures towards the summary and effective organization of the Militia, and on Thursday morning October 29th, issued a Proclamation informing the people of Baltimore, what I had done, and further contemplated for the preservation of the peace, and to secure to the legal voters of the city their rights against violence and intimidation.

Orders were issued to Major General George H Steuart to hold his command, the 1st Light Division M. V., ready for service at a time specified; and to Major General John Spear Smith, to enrol and embody without delay, six Regiments of not less than six hundred men each to be ready for service at the same time. These orders were responded to by the General Officers with immediate measures in pursuance of the purpose in view. Having thus initiated proceedings I took occasion to reply at some length to the very remarkable propositions advanced by the Mayor of Baltimore in his letter to me; and renewed my solicitation that he would co-operate with me in a harmonious effort to assert the supremacy

of the laws. The Mayor rejoined briefly, declining to discuss any point at issue, remarking that the responsibility was with me, a fact which I had well considered from the first, and had resolved to bear with me to the end.

The measures which had been set on foot, progressed during Friday and Saturday, the 30th and 31st October, and reports were made to me from time to time. From these I had no difficulty in gathering the conviction, that whatever effort might be made by the military officers to embody the proposed force, the result would be unsatisfactory and inadequate. This was of course a sufficient cause of official embarrassment, and a result entirely at variance with what I had been led to expect.

Misrepresentation and voluble abuse from the press, together with the assiduous diffusion of the most erroneous sentiments respecting the Executive authority, and the proceeding I had taken, no doubt, had their effect upon the public mind. There was moreover and had been for so long a time, a peculiar tolerance of the lawless element to be subdued; and a species of infatuation pervading a large portion of the community, which affected or amounted to, a morbid ignorance of its true character; in consequence of which, the class of citizens from whom military service was mainly to be expected, exhibited first, indecision, and at last unwillingness to respond to the call which had been made upon the community.

I need hardly say, that however a portion of the people, or of the press found cause to rejoice in this state of things, and its obvious consequences, I was made painfully sensible of a total perversion of political sentiment, and an indifference to the security of equal rights, wholly inconsistent with the spirit of our institutions. I had been invited to exert the extreme Executive authority, in a community notoriously without sufficient or effective municipal power for the protection of its citizens against outrage and violence, and for the execution of its own laws; and when in obedience to my own sense of duty, I assumed the unwelcome task, I found a complaining people more willing to submit to the grievances which oppressed them, to the lawlessness which disfranchised them, to the terrors which overawed them, than to rally in their strength, and vindicate their outraged rights, and insulted honor. Justly and truly indignant at such a result, I resolved to maintain my own, and pursue the purpose I had undertaken. In this resolve I was sustained by a few gallant, earnest, and faithful men, and by the spirit with which one, at least, of the military officers was responded to in the district assigned to him. In this case there was an enrollment of volunteers, prompt, earnest and effective. And so long as there was but a maniple of true men, willing to stand for their rights and honor, I determined that they should at least, have the full sanction of what I had done, and my personal interest in the matter until the emergency wast past.

On Sunday the 1st of November, for the first time, a detailed exhibit was made to me of the special and extraordinary arrangements matured by the Mayor for the maintainance of the peace and the protection of the citizens in the exercise of their rights at the approaching election. The submission of these arrangements for my consideration then, which were withheld from me on my first arrival in the city, was the result of some consultations brought about through the intervention of several gentlemen, representing the respective views of the Mayor and myself. This plan was in terms plausible; it had the appearance of sincerity of purpose, and, I doubt not, was offered, in good faith. I must confess, however, that had the proceedings I had commenced been sustained with all the vigor the occasion required, I could not have withheld the conciliatory step, I deemed it proper to take, in view of the arrangements submitted for my consideration by the Mayor, and especially as each of the gentlemen with whom I was in consultation seemed to be entirely confident of the sufficiency of the arrangements which had been now adopted. Under this impression I was urged to withdraw my Proclamation and to rescind all military orders. I positively refused under any circumstances to comply with any proposition which included such a stipulation. First, because it had the appearance, at least, of a surrender of my constitutional authority at a time when violent opposition to the laws was openly threatened; and secondly, because I knew not what exigency might arise on the day of election But in deference to the opinions of gentlemen in whom I then had, and still have, great confidence, who were citizens of Baltimore, and who knew more of the local condition of affairs than myself, I consented to an announcement, that in view of the sufficiency of the arrangements just made, "I did not contemplate the use of the military force which I had ordered to be enrolled and organized," on the day of election.

In this state of public affairs the day of election approached. A form of suffrage was observed under circumstances defiant of the execution or the laws. Riot in its vociferous and most formidable aspect did not occur, but I was made the recipient of almost ceaseless complaints of outrage, violence, and organized ruffianism at the polls, whereby multitudes of citizens, native and naturalized, were deterred from voting. I was powerless for their protection. The opportunity was past in which as a lawful and enrolled force they could have exhibited a moral as well as material power, against their assailants. They were at the mercy of a mob, and without protection from the civil power.

Abundant evidence from respectable citizens in all parts of the city could be obtained to prove a state of society verging upon the fiercest anarchy; outrages almost incredible, in a civilized community; and the ubiquity of an organization which

prevailed by violence to the exclusion of voters at will, and controlled means and resources for the most pernicious and daring frauds. It is beyond all question, that such wrongs were perpetrated on that election day, as have no parallel in the election annals of our country, but in Baltimore itself; and this too, under the official assurance of municipal power, and of a police organization, and a plan of operations adequate to the emergency. Such a result has abundantly justified the movement I deemed it proper to make, and proves that the execution of the laws for the maintainance of civil and political rights, has been violently resisted and stayed, while the Executive authority has been powerless to enforce it.

This is anarchy; and the issue of such a condition of things under our system of government is political confusion. The formal power it creates is an essential tyranny. It sways a spurious sceptre, over a people despoiled of their rights, and its career must be in profligate antagonism with law, order, and good government.

Such is the outline of a political era, and its disgraceful character, in the history of Maryland. A narrative of events transpiring in the city of Baltimore, the commercial metropolis of our State; and in the midst of a community graced by high culture, religion, morality, social refinement, and all the excellencies and elegancies of civilization.

Before I leave this branch of the subject I would take occasion to remark, that under a sense of duty not left to my discretion, I have issued Commissions to all those persons who appear by the certified official returns from the city of Baltimore, to have been elected to the various offices. At the same time I record my deliberate opinion that the election was fraudently conducted; that in the exclusion of thousands of people from the polls, there has been no expression of the popular will; and that the whole of the returns from that city are vicious, without a decent claim to official recognition any where, and in all their character, a gross insult to our institutions and laws, and a most offensive mockery of the great principles of political independence and popular suffrage.

Justice to myself, as the chief executive officer of the State, will not merely allow, but demand, a brief review of the animadversion, to which I have been exposed, for the purpose of correcting baseless errors, seduously diffused by the press, and thrown broad cast over the land.

Prominent among these and most flagrant was the assertion that the Governor of Maryland had "DECLARED MARTIAL LAW IN THE CITY OF BALTIMORE." That a statement so absurd, should have been made at all, is almost unaccountable. But that it should have found currency with any intelligent portion of the press is inexplicable. I learned that the original statement was dispatched from Baltimore by Telegraph, and this

may have led to the general error abroad. But notwithstanding that it was followed by the proclamation itself, the assertion was maintained with a pertinacity of which truth itself alone is worthy. And grave dissertations based upon this false assumption, flourished in the press of other States, and were copied into those of our own without a word of contradiction, while journals of Maryland continued their iteration of the falsehood to the last. In all this, added to the most malignant personality, there is a humiliating illustration, of the licentiousness, in contradistinction to the liberty of the press.

Martial law subjects a community exclusively to the dominion of military authority. To declare this law in civil communities is to supercede all civil authority, to establish in the place of the ordinary tribunals of justice, courts martial for the trial of all offenders whose proceedings are conducted exclusively under military supervision and control. The power to declare martial law is not vested in the Executive of the State of Maryland and its exercise was never for a moment a matter of the slightest contemplation. What was done in Baltimore is a matter of even frequent occurrence. That it shall not become still more so, is a matter for the corrective influence of the people themselves. Nor was this the first time that I have been called to Baltimore to authorize the employment of military force. As recently as the spring of the present year it became my duty to employ the services of the military for the defence of the property of the Baltimore and Ohio Rail Road Company, and the suppression of an organized mob upon the line of the road beyond the limits of the city. At that time no whisper was heard of martial law; on the contrary, so general was the sense of the necessity for the employment of military force, that I have yet to learn of opposition from any quarter whatever. Even the Board of Directors of that company, not remarkable for general concurrence of opinion, was represented to me as a unit upon that question.

A frivolous objection has been urged to military preparation in advance of an actual outbreak of violence. This is a thing so common as to preclude argument about it; in fact the Constitutional power vested in the Executive to enforce the execution of the laws would be an absurdity without it, and implies the duty of abundant preparation. I may instance the fact, that in our own State, a military force was sent a few years ago, from the city of Baltimore, to one of the counties to prevent a prize fight. The Governors of States are constantly in the habit of guarding the jails with a military force, when there is danger or even threats of summary punishment of criminals by popular violence. In some cases convicts have been guarded by military force, until the day and act of execution was over, to protect them against a mob. And I saw but a few days since an account of the execution of a malefactor upon which occasion an Artillery company was parad-

ed, and served as an escort and guard, when there really had been not the slightest demonstration of popular violence. In Boston it will be remembered, the President of the United States, authorized the use of the military to aid the Marshal in executing the Fugitive Slave Law. But it is not without a sense of humiliation that I notice such captious and frivolous objections, and therefore shall not multiply instances in point.

One other popular error, in connection with this subject and I have done. It has been urged with more zeal than intelligence, that I have done violence to the Bill of Rights of Maryland, which says:

"Art. 27. That in all cases and at all times, the military ought to be under strict subordination to, and control of the civil power."

In connection with the foregoing, I quote two sections from Art. I of the Constitution of Maryland, as follows:

"Sec. 9. The Governor shall be commander-in-chief of the land and naval forces of the State, and may call out the militia to repel invasions, suppress insurrections, and enforce the execution of the laws; but shall not take command in person, without the consent of the Legislature.

"Sec. 10. He shall take care that the laws be faithfully executed."

These two sections devolve the entire discretion and responsibility upon the Governor, refer to the whole State, including all its cities and counties, and recognize no co-ordinate authority any where, or in any individual. He is not required to wait the initiative of any subordinate civil power. On the contrary, it is as much his sacred duty to "take care that the laws be faithfully executed" and to use military power for this purpose if necessary, as it is to perform the simplest duty of his office. Indeed the superior importance of the duty in one case,—if I may allow grades of importance in official duty—enhances at once his obligation and responsibility before the people, with respect to its performance. And in a matter touching the right of suffrage, and the purity of the ballot-box, his obligations are paramount, especially when the rights and interests of the people of the whole State, are identified with the issue. In relation to my interposition in Baltimore, although my proceedings were local as respects the purpose to be accomplished,—the maintainance of the peace, and the security of the elective rights of its citizens, yet the interests of the whole people of the State were also involved. It was therefore quite as proper for any citizen of the State to direct my attention to affairs in Baltimore, as it was for any citizen of Baltimore itself. It was indeed my duty to act without suggestion or invitation, the moment I became satisfied that "the execution of the laws" would be forcibly resisted or stayed.

It was my duty, and I recognize it to the fullest extent, to discriminate between such disorder and disturbance, as is almost in-

separable to some extent from popular elections, under ordinary circumstances, and the lawlessness, outrages, and crushing violence of a powerful, reckless, and irresponsible organization; and then to act. This I have done, and I willingly assume that responsibility.

In authorising the use of the military, the Executive necessarily acts as Commander-in-chief, but under the Constitution, he cannot, of his motion, forego in the minutest degree, his civil capacity. In ordering out the military and directing the enrolment of militia he is only acting as a civil officer. The direct military command of the forces must be in the officers commissioned by him. And the extreme resort to be determined upon in the actual emergency, is left entirely to the judgment and discretion of these officers. Thus it will be seen that "in all cases and at all times," the military is, literally and virtually, in "strict subordination to, and control of, the civil power."

Before leaving this unwelcome theme, allow me to declare frankly by what motives I have been impelled thus to discuss it at some length. I might very justly have employed this occasion for the vindication of my personal honor. I have been wantonly traduced; and no terms seem to have been too vile, for a portion of the public press, in characterizing the arrogance, ambition, wickedness and folly ascribed to me. But in the present state of society, these things are too common to excite resentment, and generally too groundless to command credence. I do not presume to enlist your attention to any mere personal considerations; a proper sense of the dignity of the Executive office itself, has alone induced me to examine and refute the errors, which have been assiduously diffused in reference to my official acts. I was determined that it should not be truly said of the Governor of Maryland, during my administration, that he had transcended his authority; "declared martial law," made the civil subject to the military power; invaded the rights of a chartered city; or done any one of the illegal acts attributed to him. I leave these fabrications with those who originated them; to reconcile their ignorance or mendacity, if they can—with the simple but incontrovertible truths which I have felt it my duty thus to spread before you.

I have thus employed this occasion for a personal as well as an official exposition of popular error, because it is the proper and only channel through which the Executive of the State can consistently communicate with the people. He controls no organ; has no relations with the press; and should desire neither. It is his province to wait his opportunity, and in communication with the representatives of the people, command the ear, and solicit the reason of the people themselves.

MILITIA—THE PUBLIC ARMS.

I herewith submit a communication from the Adjutant General of the State, to the Executive, in reference to the present condition

of the Militia of Maryland. It contains many valuable suggestions, and is eminently worthy of your consideration. It is proper for me again to remind you, that the Legislature have failed, as yet, to pass any law for the enrolment of the militia, although expressly required to do so by the 9th Article, Sec. 1, of the Constitution. With the exception of the volunteer corps in the city of Baltimore, and a few Uniform companies in three or four counties, there is, in truth, no organized militia in the State. There are scarcely any "official returns" to the Adjutant General, and in the event of a call being made in a sudden emergency, upon the militia, to "repel invasion, suppress insurrection and enforce the execution of the laws," the State would be literally without men and without arms. The existing statutes requiring the Adjutant General to furnish arms when applied for, to all Volunteer and Uniform companies, has squandered a large amount of the public arms without any corresponding or adequate benefit to the State, and left the armories destitute of a sufficient number of arms for any public emergency.

On the occasion of my late interposition in Baltimore, I deemed it proper in the discharge of a high public duty, to apply to the Governor of Virginia, for a loan of two thousand muskets to arm the force which I contemplated calling out, for the preservation of the public peace in Baltimore, and the protection of her citizens in the exercise of their political rights. My position and the necessity of immediate action were fully appreciated. With a promptness, generosity and courtesy, characteristic of the distinguished Governor of that State, the necessary orders were immediately given for the transportation to this State, of the arms required. For this act of comity, the Governor of Virginia is entitled to the thanks of all who desire to see our laws faithfully executed, and the supremacy of constitutional authority, maintained. The exigency and necessity for such a call could only be properly judged of and determined by the Executive of Maryland, who assumed that duty with a full knowledge of its responsibility. A portion of the arms arrived in Baltimore, the rest were detained by my orders in Washington, and at the proper time returned to the Governor of Virginia.

CONTINGENT FUND.

I herewith transmit as required by the Constitution, a statement of the disbursements from the Executive Contingent Fund, for the last two years, and respectfully ask, that you will appoint a committee to examine my vouchers for the expenditure of this fund, as well as for the expenditure of the sum of $4,000 appropriated by the act of 1854, to repair and furnish the Government House.

In closing this communication already too much extended, I avail myself of this opportunity to express through you to my fellow-citizens of the State, my sincere acknowledgments of the hon-

or conferred by the high measure of confidence they have reposed in me, and which will ever be gratefully remembered and cherished.

Upon you gentlemen, in this juncture of our affairs, devolves the duty of vindicating and protecting the great first principle of our political existence, that all government derives its just powers from the consent of the governed. If this be obliterated, and the expression of the public will, suppressed by force or fraud, we cease, practically, to be a free people, and our theory of government becomes a failure.

I fervently implore for the State and all her interests, the continued protection of Divine Providence, and for her public servants, the guidance of wise and patriotic counsels.

T. WATKINS LIGON.

EXECUTIVE DEPARTMENT,

January 6th, 1858.

APPENDIX.

BARNUM'S HOTEL,
Baltimore, Oct. 27, 1857.

HON. THOMAS SWANN,
Mayor of Baltimore.

SIR:—Representations from a large number of respectable citizens, of the condition of things in this city, added to my own convictions of my constitutional duty, imposed upon me the obligation respectfully to consult you, as the Mayor of the city, as to what provision should be made by you to guarantee personal security, and the free exercise of suffrage by the legal voters at the approaching election.

The events of October, 1856, both at the municipal and Presidential elections, and the violence at the recent municipal election, which practically disfranchised many thousands of the qualified native and naturalized voters of this city, conclusively established the inadequacy of the existing city police to secure the elective rights, and the personal safety of the voters. The citizen has a right to good government. He surrenders his individual power of defence and pays his property dues in consideration of the pledge made that he shall enjoy it; and I am resolute in the determination to exert any constitutional power to fulfill the guarantee.

Subordinately you are like myself sworn in your sphere to put forth your powers in this behalf, and I have come to this city to confer with you, and ascertain what provisions of an extraordinary character you propose to make to meet apprehended disorders of a character like those which have heretofore successfully defied the ordinary police force of the city. I shall be most happy if you can assure me of any detailed preparation on your part which will allay my solicitude, and certify me that the citizens may not have the occasion to reproach us as derelict in duty.

It will never do for a great commercial metropolis like this to be dishonored by this unchecked violence of mobs, and it is necessary that the civil power should at once bring under subjection those evil minded citizens whose acts are tarnishing the honor of

the city and State, and destroying the prosperity of our commercial, mechanical and manufacturing interests. Not doubting that you concur with me in these sentiments, and will appreciate the sense of official duty from which I invite your co-operation, I have addressed you this letter, and ask, most respectfully, an immediate reply.

Very respectfully,
Your ob't. Ser'vt.,
T. WATKINS LIGON.

MAYOR'S OFFICE, CITY HALL,
Baltimore, Oct. 28, 1857.

To His Excellency,
T. Watkins Ligon,
Governor of Maryland.

SIR:—I have had the honor to receive your letter, of the 27th inst., in which you say that, "representations from a large number of most respectable citizens, of the condition of things in this city added to my own convictions of my constitutional duty impose upon me the obligation respectfully to consult you, as Mayor of the city of Baltimore, as to what provision should be made by you to guarantee personal security, and the free exercise of suffrage by the legal voters at the approaching election."

Your letter goes on to indicate duties which are incumbent upon us both. The constitutional sphere assigned to you as Governor of the State of Maryland, and to me as Mayor of the city of Baltimore, is believed to be sufficiently defined. While I should claim, by virtue of my commission, the privilege of the initiative in any demand which I might consider necessary to be made upon your Excellency for your aid and co-operation in preserving the peace of the city and the rights of its citizens. I do not object, at any time, to impart to you, or any other citizen, the fullest information in regard to matters connected with the government of the city, in which the public might feel an interest. It could not fail to excite my surprise, that in a letter inviting a consultation with me, your Excellency, after pronouncing summary judgment upon the inefficiency of the city government, should have thought proper to refer to the events of the municipal and Presidential elections of 1856, with which, as Mayor of the city, I had no official connection; and to impress upon me that you were "resolute in the determination to use your constitutional power to fulfil the guarantee that the citizen is entitled to good government."

In your reference to the representations you have received from a large number of most respectable citizens, your Excellency would seem to have lost sight of the facts, that by the authority

under which he is acting, the Mayor of the city is made the judge of, and is responsible for, the completeness and efficiency of his arrangements for preserving the public peace; and that the only official source of information, in reference to the plans heretofore adopted, was in him alone, and the officers acting under him.

As to what your Excellency has said about the importance of maintaining law and order in a great commercial metropolis like this, I need hardley assure you, that no man has labored more faithfully or assiduously, than I have done towards the accomplishment of this end. The events which have transpired since I took charge of the municipal government, and the murdered and wounded policemen, who have fallen in the late effort to preserve the peace of the city, and to secure to the citizen the free exercise of his right of suffrage, will sufficiently attest the activity of my labors.

My preparations at the last municipal election were, as is known, of the most ample character, sufficiently so in my judgment, to have met any emergency. That individual instances of complaint were to be found, is not to be wondered at. These are incident to all excited elections, that have heretofore taken place in our city.

My instructions to the police were of the most absolute and impartial character, and in every instance of decided outbreak, the efficiency of this force was felt and acknowledged.

At the election in November, in furtherance of the object which I have never lost sight of, in addition to the complement of officers assigned to the stations and the various election precincts, acting immediately in concert with the judges, together with the details by which they will be regulated, there will be, what may be deemed in my judgment, a competent force to ensure to those who may be entitled to vote, the free and untrammeled exercise of their right of suffrage; and I will state it as my belief that unless some unforeseen occurrence should take place, or an ungovernable feeling should be excited by those who are now engaged in the effort to break down the city government, that the election will proceed quietly and without interruption.

As the Mayor of the city of Baltimore, I hold my commission directly from the people, and am accountable to them for the manner in which I discharge my trust, the office which I have been called upon to assume was conferred upon me without solicitation, and will be laid down whenever it shall be made to appear that I have lost the confidence of those whom it has been my highest endeavor to serve. I can recognize "subordination" to no other power within the sphere of my duty, I deemed it due to courtesy to afford to your Excellency the amplest information in regard to the matters to which you refer in your letter, and now invite from you any reliable evidence upon which I can

legally act, of a combination on the part of any of our citizens to obstruct the laws at the coming election. But while I am thus frank in foreshadowing my plans for the preservation of the public peace, and the protection of the voter by every means at my disposal; I must be equally so in declining to recognise any joint administration of the affairs of this city. The powers of the Mayor are believed to be ample. He has his resort, in case of emergency to the civil posse, as well as to the military arm, which like the former is placed by the law under his control. It will be his duty to use his best endeavors, to see that every citizen is protected in his constitutional rights, and that the peace of the city is preserved by every means at his disposal. If however, it should be attempted to introduce a power in the city of Baltimore above that of its regularly constituted authorities, or if the power should be assumed in anticipation of a State of things which may not occur, to bring the military in contact with the people on the day of election, without an official requisition on the part of the local authorities, I can only express the sincere belief that such a policy might seriously endanger the peace of the city, and lead to consequences which it should be the duty of all good citizens to endeavor if possible to avert.

With great respect,
I have the honor to be,
Your ob't servant,
THOMAS SWANN, *Mayor.*

PROCLAMATION.

By the Governor of Maryland:

I, T. Watkins Legon, Governor of the State of Maryland, hereby make this proclamation the citizens of Baltimore;

Having credibly informed by a large and respectable number of citizens of Baltimore, that serious apprehensions are entertained that the approaching general election is threatened with extreme violence and disorder in this city, sufficient to terrify and keep away from the polls many peaceable voters, unless the civil arm is vigorously interposed for their protection, and being fully convinced of the justness of this apprehension from the events of the election of 1856, and of the recent municipal election in the city, I have felt it my duty to repair to this city to fulfill my constitutional obligations to afford to the citizens the faithful observance of the laws. Accordingly I have addressed the Mayor of the city and solicited his co-operation in adequate measures for the protection of the peace of the city. So far I have received from him no satisfactory response, and being resolved to be involved in no failure of duty by postponing measures

which can only be efficiently carried out under the circumstances by the greatest promptitude. I hereby proclaim to the citizens of Baltimore, that in virtue of my powers and duties under the constitution and laws of the State, I have directed the proper military officers to enroll and hold in readiness their respective corps for active service at once, and especially on the approaching day of election; and I have issued to them full instructions to preserve the peace of the city, and secure to the legal voters their rights against the violence and intimidation of the lawless ruffians who have disgraced the city, and outraged the elective rights in the recent election.

In thus acting, I have sought merely to discharge my duty, and insure to the citizen the rights pledged to him by the constitution and the laws, and I earnestly invoke the moral support and aid of all good citizens who value their government and its privileges.

Especially do I forewarn all persons against all illegal conduct in the obstruction of voters, and admonish them of the serious responsibility which awaits the infraction of the law.

It is to be seen if republicanism is adequate for its own protection. The Governor confidently relies on the loyalty of the citizens of this great metropolis, and in the hearty readiness with which they will co-operate in the vindication of the city and State from any ignominious submission to lawless ruffians. If they do, all parties will rejoice in the triumph of government, and every good man that the pledges of the constitution are not an empty mockery. At all events, the Governor will do his duty, if constitutional authority and law are not upheld and vindicated, the responsibility must rest elsewhere.

But there is no reason to fear any adverse result. The Governor will not question the fidelity of the military arm, or doubt its ability for any emergency that may arise. The military officers with whom I have consulted, express their readiness to serve the State, and I have no doubt of their sufficiency for the occasion; and good citizens may confidently trust that their title to a constitutional government will be fully redeemed.

Let all citizens therefore, exercise their rights, abstain from disorder and violence, and trust in the genius of the constitution and the laws.

Let no man leave the precincts of his own ward, unless ordered to do so by competent authority. Thus he will promote the fairness of the election, and avoid the just retribution that will be dealt to those vagrant emissaries of disorder, who wander from polls to polls, for the purpose of illegal voting, and to deter peacable citizens from the exercise of their rights; but it is the sincere hope of the Governor, that the majesty of the law, supported by the countenance of good citizens, will make the en-

suing election a signal triumph to those who believe in the capacity of the people for self-government.

Given under my hand, at the city of Baltimore, this twenty-eighth day of October, in the year of our Lord, one thousand eight hundred and fifty-seven.

T. WATKINS LIGON.

By the Governor,

J. PINKNEY,
Secretary of State.

ORDER NO. 1.

Head Quarters, M. M.
Baltimore, October 28th, 1857.

Major General GEORGE H. STEWART,
Commanding 1st Light Division, M. V.

You are hereby ordered to hold your entire command ready for immediate service, fully equipped, and report to me at noon on Saturday next.

T. WATKINS LIGON.

ORDER NO. 2.

Head Quarteri, M. M.
Baltimore, October 28th, 1857.

JOHN SPEAR SMITH,
Mayor General, 3rd Division, M. M.

You are hereby ordered to enroll and embody, without delay, six regiments of not less than six hundred men each, (to be officered and equipped,) and hold the same in readiness for service, by noon on Saturday next, and report to me,

T. WATKINS LIGON.

To his Excellency,
The Governor of Maryland.

Our opinion is asked by your Excellency, whether the Constitution of Maryland limits the power of the Governor, to "call out the militia, to the cases and periods of an actual invasion, and actual insurrection, and an actual interference with the execution of the laws." This question is determinable by the 9th and 10th sections of the 2nd article of the Constitution.

The words of the 9th section are: The Governor shall be commander in chief of the Land and Naval forces of the State, and may call out the militia to repel invasions, suppress insurrections, and enforce the execution of the laws, but shall not take the command in person, without the consent of the Legislature." The 10th section declares; "He shall take care that the laws be faithfully executed." The power "to enforce the execution of the laws" necessarily implies the timely provision of a force for the execution and to be ready for the necessary intervention; such a force may therefore be organized to serve the contingency, and, consequently, may be called out where there is impending danger that the contingency will occur.

This power, it belongs to the Governor to exercise where, in his judgment, there is threatening danger, under the 10th section, which enjoins on him to see that "the laws be faithfully executed." How the elective franchise is guarded by our laws, even by the Constitution, needs no reference to the ordinances of the one or the other. The Constitution, Art. 1, Sec. 2, besides providing for other punishments, furnishes with disqualification to hold office, or even to vote at any election, any one who shall forcibly prevent another from voting at elections.

It is with reference to the case of imminent danger of such transgressions that we understand our opinion to be now asked; and we therefore, specially mention the legal sanctions of the right of voting—"the laws," whose "execution" is to be enforced," as peculiarly sacred.

To give a power by the use of certain means to relieve or redress an actual exigency, and not to give the privilege to prepare such means for the exigency, and when the peril of it is indicated or impending, is, we think, destructive of the very power itself.

But on this subject we are not left to general reasoning. The Supreme Court of the United States (in 12 Wheaton's Reports 28, Marton vs. Mott,) has settled the point, upon the construction of the corresponding clause of the Constitution of the United States as to the control over the militia of the States given to the United States Government. The clause of the United States Constitution declares (Art. 1, Sec. 8,) that Congress shall have the power to provide for calling forth the militia to execute the laws of the Union, suppress insurrection and repel invasions, terms almost identical with the words of the Maryland Constitution.

The case just referred to, as adjudged in the Supreme Court of the United States, arose upon the act of Congress passed in 1795, under this constitutional clause; that act giving to the President of the United States the power to "call forth the militia whenever the United States shall be invaded, or be in imminent danger of invasion." The Supreme Court decided the act to be constitutional, and say that there is no ground for a doubt that Congress, under the words of the Constitution had the power to provide for cases

of imminent danger, as well as for cases where an invasion has actually taken place, closing their judgment on this head with these remarks:

"In our opinion there is no ground for a doubt on this point, even if it had been relied on, for the power to provide for repelling invasions includes the power to provide against the attempt and danger of invasion, as the necessary and proper means to effectuate the object. One of the best means to repel invasion, is to provide the requisite force for action before the invader has himself reached the soil."

But that decision further determines that under that "Act of Congress, the President has exclusively the authority to decide whether the exigency has arisen; and that his decision is conclusive upon all other persons. He is necessarily constituted the judge of the existence of the exigency in the first instance, and is bound to act according to his belief of the facts."

This was the unanimous decision of the judges of the Supreme Court of the United States.

The Governor is, therefore, in our opinion, authorized to call out the militia, to be ready for any of the exigencies, in which, under the quoted provisions of the Maryland Constitution, their services may be needed; and his decision upon the question of an imminent danger of such an exigency, binds the military authorities, and protects every individual who obeys the Governor's call.

On this head we need refer to no acts of Assembly, because there are none which conflict with the views we present; and, if any were in such conflict, they would have to yield to the paramount rule of the Constitution. All the acts of Assembly, however, are but cumulative, or in aid only of securing the protection of the military power to our civil and political rights, and not exclusive of the supreme power of the State Executive to provide such relief and resource, where he conscientiously believes there is a crisis impending that requires the use of precautionary means.

The act of 1823, ch. 188, entitled "An Act for the better Regulation of the Militia of the City of Baltimore," so far from militating against the views which we have announced, contains, in our judgment, an unqualified recognition of them. By the 70th section of that act, which provides for the calling out of the militia, in case of "invasion or threatened invasion," and which gives power to such effect to the commanding officers of divisions, brigades or regiments, it is made the duty of such officers to transmit information to the Commander-in-Chief (the Governor) without delay." In the further case of "suppressing or preventing of an insurrection or opposition to the laws," the officers aforementioned are commanded by the same section to order out the troops under their command, on the written requisi-

tion of the Mayor or the Chief Judge of the City or County Court respectively; and, after so doing, are required to act on their own authority only, until the orders of the Commander-in-Chief (the Governor) shall be known."

We cannot understand how it can be a matter of doubt, in the face of these provisions, that the Governor is the ultimate authority, by whose orders the action of the military officers shall be directed, in case of their being ordered out; nor can we perceive upon what principle it can be supposed that the chief civil and military officer of the State is meant to be restricted and confined, in his constitutional action, to cases of "actual violation" of the laws, when subordinate officers, municipal, judicial and military, are clothed with the absolute power to order out the military for the "preventing of opposition."

As to the regularity and legality of the enrollment of the militia, by the orders and under the direction of the commanding officers of the divisions, we presume that a reference to the act of 1846, chapter 314, section 4, must remove all doubt or difficulty, if any such be supposed to exist.

That act provides in terms:

"That if from any cause, an enrollment of the whole or any part of said division (which embraces the militia of the City of Baltimore) shall fail to be ordered, or not be made at the time prescribed by the act to which this is an additional supplement, (the act of 1823, ch. 188) the commanding officer of said division may have the omission corrected by ordering an enrollment to be made, and prescribing the time for the same.

REVERDY JOHNSON.
JOHN NELSON.
R. N. MARTIN.
JOHN V. L. MCMAHON.
CHARLES F. MAYER.
I. NEVETT STEELE.
GEO. WM. BROWN.
F. W. BRUNE, JR.
J. MASON CAMPBELL.
S. TEACKLE WALLIS.

BARNUM'S HOTEL,
Baltimore, Oct. 28, 1857.

HON. THOMAS SWANN,

Mayor of Baltimore.

SIR:—I have just received your reply to my letter of yesterday, and beg to say that your views of our respective powers and duties do not accord with my own.

Clothed with the authority to see that the laws are executed throughout the entire State, I cannot comprehend how the city of Baltimore or its Mayor recognizes no subordination to the State Executive His power is created by the Constitution, that organic instrument also defines his duties. Has the Mayor of Baltimore any co-ordinate position in that charter, or are not his authority and that of his city the mere endowments of ordinary legislation?

I am mortified and pained to notice that spirit in a municipal agent of government, which if generally adopted, would subvert the whole theory of our institutions, and end in jealous rivalries among the chain of officials.

Under your view, it would seem that any officer of a municipality elected by the people became by that circumstance subordinate to no one, and only accountable to them for the manner in which "he" discharged "his trust."

I will not now indulge in any protracted repetition of an error which must rather be the growth of official sensibility than of mistaken conceptions of constitutional position. The natural sequel of such an error is the further implication that my powers and duties are to be initiated into activity by the discretion of municipal subordinates. Do you thus await the application of your subordinates? If not, why? Simply because you are sworn to see the laws executed, and whilst in general you confide in the fulfilment of their duties, you still hold in reserve those powers of supervision, which are made necessary by the fact that these subordinates may not recognise their own defaults, and their serious bearing on the general welfare.

Is not the city filled with clubs of lawless and violent partizans, whose very appellatives brandish defiance at order, and make the peaceable prefer to surrender rights rather than claim them at the risk of life. Sir: is there no law and no authority somewhere to curb the one class and shield the other? If the ordinary civil power of the city is insufficient, what is the inevitable deduction? Is it not better that you should admit its inadequacy, and be cordially grateful that the constitution has supplied other powers, and permitted for your aid that executive to interfere who has not been at all complicated in past animositirs.

You mention in your communication that one of your policemen was "murdered" at the recent election. What guarantee is there that a similar occurrence may not happen again at the approaching election, unless more adequate arrangements are prepared for the suppression of lawlessness. I have not come here to empower assaults upon your police, but to protect them, and invigorate every arm that will be sincerely extended in behalf of individual security and constitutional liberty. And I feel that it is a circumstance of just mortification, that a State Executive who has repaired to a city in which the press has not hesitated to de-

clare that the recent election was a "mockery" from the intimidation to voters, should be asked by its municipal head to furnish him with "any reliable evidence upon which I can legally act, of a combination on the part of any of our citizens to obstruct the laws at the coming election."

Is there no such thing as a fact? Does the spirit of party blind municipal officers to that condition of things which all fair minded citizens recognize? Are there not daily and nightly murders?

It is to be deeply regretted that we should be at all separated in the performance of our duties for ensuring to the citizen his legal rights which violence has thus overawed, and that you decline to "recognize any joint administration of the affairs of this city," when I tender you the executive co-operation. This fearful responsibility you have taken. I believe that a just minded community will severely censure this false independency as not consistent with our relative official positions or consonant with that spirit of union which should unite all good men against the bad and lawless. But however this may be, I announce to you respectfully, that I shall nevertheless see that the laws are "faithfully executed," by every constitutional power.

I feel assured that this community and the State will see in this conduct a spirit of no intrusive interference, but rather that imperative duty which they have a right to expect

Entertaining none but the most friendly feelings to yourself, personally, and desiring that successful administration by you of your civic duties which will redound to the credit of the city and State, I again renew my solicitation for your cheerful co-operation with the executive, and hope that on a revision of your opinion, you will not see any derogatory subordination which will prevent you, as the municipal head of this city, from uniting in a harmonious effort to assert the supremacy of the laws.

Very respectfully,
Your ob't servant,
T. WATKINS LIGON.

MAYOR'S OFFICE, CITY HALL,
Baltimore, Oct. 29, 1857.

To His Excellency,
T. Watkins Ligon,
Governor of Maryland.

SIR:—I have had the honor to receive your letter of yesterday's date, by the hands of your secretary.

I feel no disposition to discuss the relative powers of your office and mine, or the other points referred to in your letter.

Your excellency has thought proper to visit the city, and upon representations which you have deemed sufficient, to place its inhabitants under military supervision. The responsibility is with your excellency.

In the exercise of my functions, I shall be governed by the authority of law, and, I trust by the support of the entire community.

With great respect,
I have the honor to be,
Your ob't servant,

[Signed,] THOMAS SWANN, *Mayor.*

PROCLAMATION,

By the Mayor of Baltimore:

With a view to preserve order at the Polls, at the election to be held in this city on the 4th of November next, I deem it my duty to issue this Proclamation to the citizens of Baltimore, in order that the position of the city government may not be misunderstood.

The following order will be strictly observed:

The Police detailed for the various precints will carry out all orders directed to them by any Judge or Judges of election, and see that the Polls are kept open and unobstructed.

They will arrest and promptly convey to the nearest Station all intoxicated or disorderly persons who may be found at or near the polls.

They will seize and convey to the nearest Station all fire arms which may be exhibited at the polls or used to intimidate persons from voting.

They will arrest all carriages passing through the streets with rioters or disorderly persons, and order them to be driven to the Station.

On the occurrence of any serious disorder, or an attempt to obstruct the polls by any party or parties whatsoever, the Judges of election or either of them are respectfully requested to despatch a messenger immediately to the Mayor's office, in order that the same may be promptly arrested.

The citizens generally are respectfully requested to report at once any case of delinquency on the part of the Police.

Omnibusses will be in readiness at the Central Station to convey an adequate force to any part of the city where a disturbance may take place, or an attempt is made to interfere in any manner with the free right of suffrage.

The Police are instructed to see that all drinking houses are closed on the day of the election, and to report all who refuse to obey this order.

There will be ten special policemen, in addition to the regular police, who will be commissioned by the Mayor, to lend their aid in preserving order at the polls.

As Chief Magistrate of the city of Baltimore, I call upon all all good and order loving citizens to co-operate with me in carrying out the details of this Proclamation.

THOMAS SWANN, *Mayor.*

Baltimore, November 1, 1857.

His Excellency, the Governor of Maryland,

SIR:—Believing that the object your official intervention in the matter of the comming election in this City, as to which you have done us the honor to consult us, will be effectually accomplished by the arrangements which the Mayor has now made and communicated to you, we urgently advise you to abandon your purpose of resorting to the military on that day. We do not and cannot doubt that those arrangements will be carried out in good faith, and that the peace of the City and the uninterrupted exercise of the right of suffrage will be thereby effectually secured.

We are with great respect your obedient servants,

B. C. HOWARD,
REVERDY JOHNSON,
CHAS. F. MAYER,
S. W. SMITH,
CHARLES HOWARD,
JOHN THOMSON MASON,
S. TEACKLE WALLIS.

BALTIMORE, NOV. 1, 1857.

To the Hon Thomas Swann,
Mayor of Baltimore.

SIR:—It is a matter of extreme gratification to me that you have communicated to me the extraordinary and additional arrangements, by which you propose to preserve order at the coming election. Seeing in these the composition of a special police, which affords to all citizens the promise of personal protection, and also of a fairness and impartiality calculated to remove all distrust as to the freedom of the elective franchise on that day, it gives me great pleasure to say that I now contemplate no use of the military force which I have orderd to be enrolled and organized.

I have the honor to be, Sir,
Your obedient servant,
T. WATKINS LIGON.

MAYOR'S OFFICE, CITY HALL,
Baltimore, Nov. 1st, 1857.

To His Excellency,
T. Watkins Ligon,
Governor of Maryland.

SIR:—I have the honor to receive your letter of this date. It affords me pleasure to know that your Excellency is satisfied with my arrangements for preserving orderat the coming election.—The assurance which you have given me that you do not now contemplate the use of the military force which you have ordered to be enrolled and organized, enables me to anticipate a quiet and peaceable election, which I am sure will be as agreeable to your Excellency, as myself.

I have the honor to be,
With great respect, &c.,
THOMAS SWANN, *Mayor.*

PROCLAMATION

By the Governor of Maryland.

I, T. Watkins Ligon, Governor of the State of Maryland, hereby make this Proclamation to the citizens of Baltimore.

Being satisfied that the extraordinary and additional arrangements made by the Mayor of the city of Baltimore, and with which he has more fully acquainted me, will afford to all citizens personal protection, and a fairness and impartiality calculated to remove all distrust as to the freedom of the elective franchise on Wednesday next, and the object of my official intervention having thus, in my own judgment, and in that of a large number of respectable citizens whom I have consulted, been secured.

I do hereby proclaim and give notice that I do not contemplate the use, upon that day, of the military force which I have heretofore ordered to be enrolled and organized.

And I do hereby call upon and solemnly enjoin all good citizens, to unite with and support the constituted authorities of the city in the maintainance of order and the law.

Given under my hand, at the city of Baltimore, this first day of November, in the year of our Lord one thousand eight hundred and fifty-seven.

T. WATIKINS LIGON.

By the Governor,
J. PINKENY, *Secretary of State.*

The undersigned having been called by his Excellency the Governor of Maryland, into consultation with him, touching the measures that ought to be adopted for supporting the laws in the

city of Baltimore, at the approaching election, and we having been made fully acquainted with all the facts and circumstances which have attended the subject, have fully concurred in all the views and measures which he has felt it to be his duty to take, from first to last.

W. H. D. C. Wright,
Rob't Clinton Wright.

Baltimore, Nov. 1, 1857.

The undersigned having been consulted by Governor Ligon, in relation to the various measures adopted by him to preserve the peace in the city at the approaching election, and having witnessed the loyal firmness with which he has exerted his constitutional powers in this behalf, feel it to be our duty to tender our testimony to this, in view of the certainty of the malignant misrepresentations with which his course will be assailed by a certain portion of the press.

But we were not willing to join in a paper signed by some of our associates without accompanying it with this explanation.

In the terms of the letter addressed on Nov. 1st, 1857, by Gov. Ligon to Mayor Swann, we know that no part of its phraseology was intended at all to admit any other construction than that the exercise of power to use the military was constitutional and legal and had been only practically suspended because of the assurances that the Mayor would compose a special police of respectable persons without regard to party, and this we hoped would be effective and sufficient for *this occasion.*

But we saw from circumstances around us that its language would be distorted by the Press and partizan leaders, and that the effort would be made to inculcate the belief that the letter had been intended as a surrender of his right to use the military power.

We knew that Gov. Ligon had come to this city with no view of arraying that force against a political party, but against those only who were believed to be a limited number of lawless men. When therefore we saw the press of this party unitedly assailing him for this purpose and the civil authority of the city, practically leading this excitement, we concurred in the expediency of that letter with a view to avoid the general bloodshed which his military might have to cause if some practicable arrangement of peace was not adopted.

We thought it better therefore that the Governor should accept the Mayor's proffered responsiblity for the peace of the city, and hand it over after the 4th instant to the rule of the clubs and a people whom we had reason to think, felt that a citizen soldiery employed against lawless men, was a constitutional outrage,

especially when the power was reserved by the Governor over that military force which events might still make necessary in future.

H. MAY.
WM. HENRY NORRIS.
GEO. P. KANE.

Baltimore, Nov. 1, 1857.